

Ordinance No. O-12-09

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED, "ZONING," ARTICLE V, ENTITLED, "SITE DEVELOPMENT PLANS," §24-173, ENTITLED, "DEVELOPMENT OF PROPERTY SUBJECT TO PLAN," TO AMEND §§ 24-173(a) AND 24-173(b) AND TO CREATE § 24-173(d) SO AS TO ALLOW A TIMELY DEVELOPMENT SCHEDULE

**Text Amendment T-390**

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled, that Chapter 24 of the City Code (City Zoning Ordinance), Article V, §§ 24-173(a) and 24-173(b) are amended and create § 24-173(d) as follows:

**Sec. 24-173. Development of property subject to plan.**

(a) One or more of the uses proposed for land which is the subject of the site development plan shall be established on such land within ~~three hundred sixty-five (365) days~~ two (2) years after the date of approval of the plan or the plan shall become void; provided, that the planning commission may extend such time upon request filed within the two year period ~~such three hundred sixty-five (365) days~~ and may grant further a one (1) year extension upon request filed within the period of any extension; provided, that the total length of ~~such~~ the original approval and extensions shall not exceed ~~two (2)~~ three (3) years. Such extension requests may be processed as consent items as described in § 24-172A(a).

(b) Where an approved site development plan is the subject of an administrative appeal pursuant to § 24-242, or where a site development plan is approved pursuant to a schematic development plan and that schematic development plan is the subject of an administrative appeal pursuant to §24-242, the planning commission may grant further extensions of the site development plan upon request filed during the pendency of such administrative appeal and within the period of any extension; provided, that the total length of all such additional extensions shall not exceed two (2) years. ~~The additional extensions allowed by this subsection (b) shall apply to all timely filed requests for extensions filed by May 1, 2004.~~

(c) Where the site development plan contemplates the construction of one or more new buildings or structures, the use shall be established within the meaning of this section when construction of one or more of such buildings has been commenced.

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<del>Single strikethrough</del>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
<del>Double boldface strikethrough</del>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

(d) Site plans and amendment to final site plans approved between the period of January 1, 2007, and December 31, 2008, may request an additional one (1) year extension to the extensions allowed in § 24-173(a).

ADOPTED, this 21<sup>st</sup> day of September, 2009, by the City Council of Gaithersburg, Maryland.

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SIDNEY A. KATZ, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 21<sup>st</sup> day of September, 2009. Approved by the Mayor of the City of Gaithersburg this 21<sup>st</sup> day of September, 2009.

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SIDNEY A. KATZ, Mayor

THIS IS TO CERTIFY that the foregoing ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the 21<sup>st</sup> day of September, 2009, and that the same was approved by the Mayor of the City of Gaithersburg on the 21<sup>st</sup> day of September, 2009. This Ordinance will become effective on the 11<sup>th</sup> day of October, 2009.

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ANGEL L. JONES, City Manager

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